(3)

SINGLE BENCH

1604

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 1863 /2005

PETITIONER : Smt. Uma Singh W/o. Surendra Kumar Singh, Aged about 59 years, R/o. Kanya Shiksha Parisar, Ambikapur, Surguja (C.G.)

VERSUS

RESPONDENTS : 1] State of Chhattisgarh
Through: Secretary, Tribal Welfare Deptt. D.K.S. Bhawan, Raipur (C.G.)

2] Commissioner, Tribal Welfare Department, Raipur, Distt. Raipur (C.G.)

3] Collector, Ambikapur, District Surguja (C.G.)

4] Assistant Commissioner, Tribal Welfare Department, Ambikapur, District, Surguja (C.G.)

5] Ku. Satyavati Kindo, Aged about 49 years, D/o. Liyazar Kindo, R/o. Village Pathariya, Tahsil Ambikapur, At present- Higher Secondary School, Darima, Ambikapur.

P.R. No. 2002/05
Presented by Shri Pankaj Singh
dated 03/05/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...wpss...1863/05..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

9-5-2005

Shri Manoj Paranjpe, counsel for the petitioner.

Shri Sudhir Agrawal, P.L. for the State/respondents No.1 to 4.

By this writ petition the petitioner has questioned the legality and propriety of the order dated 15-4-2005 whereby she has been transferred from Kanya Shiksha Parisar, Ambikapur to Higher Secondary School, Ambikapur, District Surguja. The petitioner has questioned this order mainly on the ground of malafide and (the said order has been passed just to accommodate respondent No.5.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner's father-in-law is suffering from Cancer and he is residing at Ambikapur. Even the husband of the petitoner, who is working as Subedar in the Police Department, is working at Korba and, therefore, there is no person to look after the ailing father-in-law. Other ground is that respondent No.5, who has been posted in place of the petitioner, was on earlier occasion transferred at the present place in the year 2001. The petitioner challenged the same before the State Administrative Tribunal and the S.A.T. passed the order in favour of the petitioner and that transfer was stayed. Now, in the year 2005, respondent No.5 has been posted in place of the petitioner which

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

shows that respondent No.5 has been posted in place of the petitioner just to accommodate her.

Learned counsel further submits that the present place of posting is 45 km away from Ambikapur and it is very difficult for the petitioner to attend the daily needs of the father-in-law who is suffering from Cancer.

As far as question of adjustment of respondent No.5 is concerned, the petitioner has already served more than 3 years at Kanya Shiksha Parisar, Ambikapur, therefore, she cannot raise any grievance that transfer has been made just to accommodate respondent No.5. However, other difficulty raised by the petitioner is on humanitarian ground and for that purpose, learned counsel for the petitioner submits that the petitioner may be allowed to make a detailed representation to respondent No.1 and respondent No.1 should consider other place of posting which is near to the residence of the father-in-law so that the petitioner can perform her duties as well as attend her father-in-law to which counsel for respondents No.1 to 4 has no objection.

Having heard learned counsel for the petitioner, having regard to the facts and circumstances of the case and also looking to the limited request made by learned counsel for the petitioner which appears to be just and fair, the petitioner is allowed to make a

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

detailed representation along with copy of this petition to respondent No.1 within a period of 15 days from today and in turn respondent No.1 will decide the representation of the petitoner within a period of one month from the date of receipt of the representation after considering all the points raised by the petitoner in an objective manner in accordance with law, as far as possible try to adjust the petitioner in the nearby area so as to enable her to attend the daily needs of her father-in-law. Till then, the petitioner should not be relieved, if she is already not relieved.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.1441/2005 and I. A. No.3496/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

Barve